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Paper No. 10

In re application of

Singh et al.

Serial No. 09/893,188

Filed: June 27, 2001

For: DUAL LAYER PATTERNING SCHEME  
TO MAKE DUAL DAMASCENE

DECISION ON  
PETITION

This is a decision on the PETITION TO WITHDRAW HOLDING ABANDONMENT, filed March 1, 2004 for failure to respond to the office action dated May 19, 2003. Applicants assert that a proper, timely response was sent out through Facsimile Transmission on August 19, 2003.

**DECISION**

Since petitioner asserts that a timely response was sent to the USPTO through Facsimile Transmission, the request is accepted as a petition under 37 C.F.R. 1.181 (no fee). A review of the petitioner's evidence provided with the instant petition indicates that the request has merit. The submitted evidence is a copy of the Auto-Reply Facsimile Transmission, which indicates that the Reply was faxed on August 19, 2003. Further, the return Auto-Reply Facsimile Transmission also indicates that the Reply was received by the USPTO on August 19, 2003.

Therefore, the Notice of Abandonment dated February 20, 2004 is hereby withdrawn. Hence, the case is returned to pending status. The application shall be returned to the LIE for entering of the response to the Non-Final rejection. After such is completed, the case will be returned to the examiner for prompt consideration.

The Petition is **GRANTED**.

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